

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3       ERIKA MARSHALL,

4               Plaintiffs

5       v.

6       ALBERTSON'S LLC,

7               Defendant  
8

Case No.: 2:24-cv-00823-APG-BNW

**Order Remanding Case for Lack of  
Subject Matter Jurisdiction**

9               Defendant Albertson's LLC removed this action on the basis of diversity jurisdiction.  
10       ECF No. 1. Because Albertson's did not identify the citizenship of each of its members, I could  
11       not determine if complete diversity existed. And Albertson's did not show that the amount in  
12       controversy requirement was satisfied. Consequently, I ordered Albertson's to show cause why  
13       this action should not be remanded for lack of subject matter jurisdiction. ECF No. 4.

14              Albertson's response sufficiently established that the parties are diverse. ECF No. 11.  
15       However, Albertson's did not show the amount in controversy requirement is satisfied. As I  
16       stated in my show cause order, the plaintiff's request for exemption from arbitration identifies  
17       \$44,792.76 in medical bills but it appears the plaintiff has stopped treating because there are no  
18       identified treatments after November 2022. ECF No. 3-6 at 4. So that appears to be the extent of  
19       her bills. There is a potential recommendation for future treatment but only "if there is an  
20       exacerbation of pain." *Id.* And although there may be a wage loss claim, no amount was  
21       specified in the request for exemption from arbitration, even though the incident occurred in  
22       April 2022 and the treatment ended in November 2022. *Id.* Albertson's did not provide  
23       additional evidence to support jurisdiction. As a result, I remand this action to state court.

1 I THEREFORE ORDER that this case is remanded to the state court from which it was  
2 removed for all further proceedings. The clerk of court is instructed to close this case.

3 DATED this 20th day of May, 2024.

4 

5 ANDREW P. GORDON  
6 UNITED STATES DISTRICT JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23